

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MORRIS WEATHERSPOON,

Plaintiff,

No. 17-11196

v.

District Judge Mark A. Goldsmith
Magistrate Judge R. Steven Whalen

SURJIT DINSA, ET AL.,

Defendants.

ORDER

On April 14, 2017, Plaintiff Morris Weatherspoon, a prison inmate in the custody of the Michigan Department of Corrections, filed a *pro se* civil suit under 42 U.S.C. § 1983 claiming deliberate indifference to his serious medical needs in violation of the Eighth Amendment. This action follows a previous action, *Weatherspoon v. Dinsa, et al.*, E.D. Mich. No. 14-12756, which was dismissed without prejudice for failure to exhaust administrative remedies, as required by 42 U.S.C. § 1997e(a).

Before the Court is the Defendants' motion for a protective order staying discovery [Doc. #43], as well as Plaintiff's motion to compel discovery [Doc. #45]. The Defendants seek a stay of discovery until their motion for summary judgment [Doc. #42] is resolved. That motion seeks dismissal based on claimed failure to properly exhaust administrative remedies, and on the statute of limitations.

The pending motion for summary judgment, based on what may be characterized as procedural issues, can be resolved without the necessity of discovery regarding Plaintiff's substantive claims. A protective order under Fed.R.Civ.P. 26(c)(1) would therefore be appropriate to protect Defendants from the undue expense of discovery that

may not be necessary if the pending dispositive motion is granted.

Therefore, Defendants' motion for protective order staying discovery [Doc. #43] is GRANTED. Discovery is STAYED until final resolution of Defendants' motion for summary judgment [Doc. #42].

Plaintiff's motion to compel discovery [Doc. #45] is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/ R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: April 30, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 30, 2018, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager to the

Honorable R. Steven Whalen